

REMARKS

A. RESTRICTIONS REQUIREMENT

In response to the restriction requirement, Applicants elect to prosecute in this patent application Invention III, claims 26-28, drawn to a packaging material, classified in class 427, subclass 197. This response is made with traverse, and it is urged that the claims contained in Inventions I, II and III be examined together. Reconsideration is respectfully requested.

Examiner indicated that the inventions are distinct. On the contrary, the products of Group I as claimed are necessarily used by processes of Group II, and the processes of Group II are necessarily used in the processes of the elected Group III. As such, the search directed to the invention of the elected Group III will overlap a search strategy directed to the invention of the non-elected Groups I and II. In addition, Groups I and II are classified in class 424. Accordingly, Applicants urge that there would not be an undue burden upon the Examiner to search and consider Groups I, II and III at the same time.

Examiner indicated that the inventions are distinct. According to the Examiner, the process of Group II requires for using the product as claimed can be practiced with another materially different product.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added; Manual of Patent Examining Procedure, § 803, second paragraph).

Thus, for reasons of efficiency in prosecution and searching, the Examiner is respectfully requested to reconsider and withdraw the present elections of species and subspecies requirements.

There is no change in inventorship based upon these selections.

B. REJOINDER

Applicants reserve the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not found to be persuasive.

C. FEEES

This response is being filed within the shortened period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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